

Appl. No.: 10/630,905

Amendment dated June 5, 2007

Reply to Office Action of January 10, 2007

### REMARKS/ARGUMENTS

The Office Action of January 10, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 5, 20, 27, 31, and 33 have been amended. No claims have been canceled. New claims 34-38 have been added. No new matter has been added. Claims 1-38 are pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### *Rejections Under 35 U.S.C. § 101*

Claims 1-13, 17-26, and 31 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Applicant respectfully traverses this rejection for at least the following reasons.

The Office misunderstands the useful, concrete and tangible result achieved by the claims. The Office Action alleges that "driving a workflow process does not produce a tangible result." Office Action, p. 3, para. 1. Irrespective of the fact that such statement is incorrect, e.g., because all workflow processes, by definition, generate results insofar as work progresses and results are created and/or altered in the process, such statement mischaracterizes the claims. Namely, the useful, concrete and tangible result is the workflow itself. That is, insofar as the claims are written, the workflow process being driven using the data structure IS the useful, concrete and tangible result. The workflow process may also create a second useful, concrete and tangible result, e.g., a structure that enables businesses to execute processes more efficiently, such as completing a transaction, although such result may vary depending on the workflow being driven or executed. However, applicants need not rely on such secondary result, given that the claims achieve a useful, concrete and tangible result in and of themselves by driving or executing the workflow process. Similar logic applies to claim 31.

With respect to claim 20, the Office Action again mischaracterizes the claim. Specifically, the Office Action again alleges that "driving a workflow process does not produce a tangible result" irrespective of the fact that claim 20 includes no such recitation. Office Action, p. 3 (emphasis added). Instead, claim 20 recites "generating and storing the data structure representing the

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workflow process from the tagged document,” which in and of itself is a useful, concrete and tangible result.

***Rejections Under 35 U.S.C. § 103***

Claims 1-3, 6-10, 14, 17, 20, 24-25, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teng (U.S. Appl. Publ. No. 2002/0152254). Applicant traverses.

Claims 1, 20, 27, 31, and 33 have been amended to clarify that the initial base document is a human readable text document (i.e., a document written in a spoken language). Teng, however, never interprets such a human readable document to create a workflow, but rather begins with an XML template. Teng, para. [0014]. Teng also illustrates a “generic template” as an XML document. Teng, para. [0185]. Indeed, while Teng indicates “in one embodiment” the template is an XML document, Teng describes no other embodiments. At best, Teng indicates that “each template has at least four sections including a section for creating objects, deleting objects, changing attributes and working with certificates,” which further indicates that all templates in Teng are written in some computer language or XML. Teng, para. [0184]. In no embodiment does Teng describe, teach, or even suggest that the document from which the template is created is a human readable text document. Aspects of the present invention, on the other hand, convert the human readable text document into an XML document. See, e.g., claim 13.

Teng describes an amoebic vision of a workflow process. Teng’s definitions of terms such as “object,” “entry,” “entity,” “action,” “template” and “attribute,” essentially prescribe an organizational control mechanism which, as the examples suggest, seeks to *minimize* human interaction. This is inapposite to the presently claimed invention, which is built around the objectives of encouraging and facilitating interaction using text documents. More specifically, Teng fails to delineate a framework around which humans can negotiate documents as part of a transaction, as described and claimed, and makes no reference to “deconstructing” or “reverse engineering” of documents, as indeed Teng cannot because its starting point is 180 degrees apart from the claimed invention. It is also relevant that the words “negotiate” and “transaction” are absent from Teng.

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For example, the present invention, as claimed in claim 1, indicates “detecting user-selected text portions of the displayed human readable text document and detecting at least one user-selected workflow process parameter associated with each user-selected text portion of the document; [and] converting the user-selectable text portions and user-selectable workflow process parameters in step (1) into a data structure representing an ordering of information to be elicited when the workflow process is executed.” Teng, however, neither detects user-selected text portions of the displayed human readable text document, nor converts user-selectable text portions [of the human readable text document] and process parameters into a data structure. Claim 1 is therefore allowable over Teng.

Insofar as claim 20 recites “displaying the human readable text document on a computer screen; [and] receiving user input from editing tools superimposed over the human readable text document, wherein the editing tools permit the user to tag the document with associated workflow process parameters associated with user-selected portions of the document,” claim 20 is also allowable over Teng. Applicant has amended claim 20 to clarify that the user provides user input to tag the human readable text document, and claim 20 is further allowable over Teng for this additional reason.

While the Office Action attempts to draw an analogy between parameters in Teng and the presently claimed “questions,” the parameters in Teng are actually a set of rules that apply to a workflow, as illustrated in Table 4. This is substantially different from specific questions created as part of a specific document. Indeed, the lockstep codification of data around which Teng’s definition of “workflow” is built is further illustrated in Teng, ¶¶ 138 and 166.

Claim 31 is allowable for similar reasons as claim 1.

Dependent claims 2-19, 21-26, and 32 are allowable for at least the same reasons as their respective base claims, and further based on the additional recitations therein.

Claims 4, 7-9, 11-13, 15-16, 18, 21-23, 26-30, and 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teng in view of Dahlin (U.S. Appl. Publ. No. 2004/0122701). Applicant traverses.

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With respect to claim 7, neither Teng nor Dahlin teaches or even suggests detecting user-selected *creation of a question* to be asked. At best, Dahlin describes only asking a *pre-existing* question.

Similarly, with respect to claim 8, neither Teng nor Dahlin teach or suggest “detecting *user-selected valid responses* for a question.” Instead, at best, Dahlin describes *pre-existing valid responses* from which a user must choose, but does not describe the user selecting the valid responses in answer to a question.

Claims 27 and 33 and their respective dependent claims are allowable for similar reasons as with respect to claims 1, 20, and 31, discussed in detail above, because Dahlin fails to cure the aforementioned deficiencies of Teng.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Teng in view of McKibben (U.S. Appl. Publ. No. 2004/0122835). Applicant traverses.

Claim 5 is allowable for at least similar reasons as its base claim 1, because McKibben does not cure the aforementioned deficiencies of Teng.

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### CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 5th day of June, 2007

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